

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellant: THOMAS W. DAVISON et al.	Confirmation No.: 2572
Serial No.: 10/713,820	Examiner: NGUYEN, VI X
Filed: NOVEMBER 14, 2003	Group Art Unit: 3734
Docket No.: 1291.1174101	Customer No.: 28075
Title: CANNULA FOR RECEIVING SURGICAL INSTRUMENTS	

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Assistant Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

CERTIFICATE FOR ELECTRONIC TRANSMISSION:

The undersigned hereby certifies that this paper or papers, as described herein, are being electronically transmitted to the
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By Kathleen L. Boekley
Kathleen L. Boekley

Dear Sirs:

This paper is filed in response to the Notification of Non-Compliant Appeal Brief mailed December 18, 2008. The Notification states that claims 44 and 50 are not consistent with the last entered amendment filed December 27, 2006. Appellants submit the last entered amendment was actually filed on February 13, 2007, in response to a telephone Interview with the Examiner. The amendment filed February 13, 2007 was entered, and the final office action mailed May 1, 2007 responded to the claims as amended. The claims filed in the Appeal Brief are consistent with the amendment of February 13, 2007, thus the Appeal Brief is believed to be compliant.

Respectfully submitted,

THOMAS W. DAVISON et al.

By their Attorney,

Date: 1/9/09

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